

SOUTHMAYD & MILLER

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April 28, 1993

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Mr. Dennis Williams
Chief, FM Branch
Audio Services Division
Mass Media Bureau
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: 1800B3-DEB

Dear Mr. Williams;

On behalf of Central Oklahoma Radio Corporation, the licensee of KFXT(FM), Sulphur, Oklahoma, this is in response to your letter of April 1, 1993 referenced above.

Central has on this date submitted a petition for rulemaking proposing to down-grade the FM Channel 264C3 allotment at Bowie, Texas, to FM Channel 264A. A copy of this rulemaking is attached hereto.

Central requests that its application in FCC File BPH-921023IB be held in abeyance pending the outcome of the rulemaking proceeding. However, should the licensee of KRJT-FM, Bowie, Texas, decide to voluntarily relinquish the C3 status, Central requests the immediate processing of its application in conformity therewith.

Please contact the undersigned should you have any questions regarding this matter.

Very truly yours,

Central Oklahoma Radio Corporation

By: 

Jeffrey D. Southmayd

Its Attorney

Enclosure

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of)
)
Amendment of Section 73.202(b)) RM-
Table of Allotments)
FM Broadcast Stations)
(Bowie, Texas))

To: Chief, Allocations Branch
Mass Media Bureau

PETITION FOR RULEMAKING

Central Oklahomaa Radio Corporation (hereafter "Central")

hereby respectfully requests that the FM Table of Allotments be

[REDACTED]

2. On October 23, 1992, Central filed an application for KFXT(FM), Sulphur, Oklahoma, to implement a Class C2 up-grade it was given for the station. This application conflicts with the KRJT Class C3 allotment at Bowie, Texas, that has never been implemented by KRJT. See, FCC File BPH-921023IB.

3. The KFXT application, if approved, will allow Central to greatly expand the service area for the station.² The Commission has consistently found that such an increase in service area is inherently in the public interest. Such a public interest benefit should not be precluded by an allotment that has gone unutilized by an existing station for a period of three years.

Accordingly, Central requests that the present allotment at Bowie, Texas, be modified as noted herein.³

Respectfully submitted,

Central Oklahoma Radio Corporation

By: 
Jeffrey D. Southmayd

Its Attorney

Southmayd & Miller
1220 Nineteenth Street, N.W.
Suite 400
Washington, D.C. 20036
(202) 331-4100

Date: April 28, 1993

² KFXT is presently a Class A operation with a limited service area.

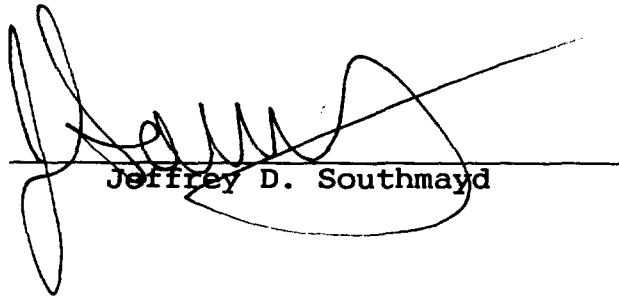
³ See the attached engineering statement.

CERTIFICATE OF SERVICE

I, Jeffrey D. Southmayd, do hereby certify that I have caused copies of the foregoing to be served by first-class U.S. mail, postage pre-paid, on this 28th day of April, 1993, on the following:

Mr. Michael C. Ruger
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau
Room 8318
2025 M Street, N.W.
Washington, D.C. 20554

Bowie Nocona Broadcasting Co., Inc.
P.O. Box 1080
Bowie, Texas 76230



Jeffrey D. Southmayd

DECLARATION

Prepared For

CENTRAL OKLAHOMA RADIO CORPORATION

Thomas J. Johnson says that he is an engineer and Vice President of Lechman & Johnson, Inc., Telecommunications Consultants, with offices located at 16201 Trade Zone Avenue, Suite 106, Upper Marlboro, Maryland, and that his qualifications are a matter of record with the Federal Communications Commission.

That the firm of Lechman & Johnson, Inc. has been retained by Central Oklahoma Radio Corporation, licensee of Station KFXT, Sulphur, Oklahoma, to prepare this Engineering Statement in support of a Petition For Rule Making to amend the Table of FM Assignments, Section 73.202(b), to delete Channel 264C3 from Bowie, Texas.

KRJT-FM is currently licensed to operate on Channel 264A at Bowie, Texas. By letter dated April 1, 1993, the Chief, FM Branch advised KRJT-FM as follows:

"Pursuant to the Report and Order in MM Docket 89-228, 5 FCC Rcd 2152 (1990), adopted February 22, 1990 and effective May 18, 1990, the Commission modified the allotment for KRJT-FM to permit that station to specify Class C3 facilities on the present channel [264]. However, as of this date, no construction permit application on FCC Form 301 for Class C3 facilities has been received. Failure to implement Class C3 facilities in a timely manner constitutes "Warehousing" of unused spectrum to the preclusion of other potential users seeking to provide additional broadcast service to the public and could result in your being made a party to an allocation rulemaking seeking to downgrade the Bowie allotment.

The FM Branch has received an application from station KFXT, Sulphur, OK (file Number BPH-921023IB) which conflicts with KRJT-FM's Class C3 allotment and which requests that KRJT be downgraded to a Class A. While a downgrade

LECHMAN & JOHNSON, INC.

Declaration of Thomas J. Johnson
April 16, 1993
Page Two

cannot be achieved by another party in this manner, KRJT-FM is advised that its unfilled Class C3 allotment is subject to being downgraded via a rulemaking proceeding."

Accordingly, since KRJT-FM has failed to implement the Class C3 operation, it is requested that Channel 264C3 be deleted from Bowie, Texas so that KFXT can provide improved service to Sulphur, Oklahoma and its environs.

I declare under penalty of perjury that the foregoing is true and correct.

LECHMAN & JOHNSON, INC.



Thomas J. Johnson
Telecommunications Consultant
April 16, 1993

LECHMAN & JOHNSON, INC.